

OGC Has Reviewed

21 May 1973

MEMORANDUM FOR: Assistant to the Executive Secretary,
CIA Management Committee

SUBJECT : Readings for Mr. Colby's Preparation
for Confirmation

1. We have the following suggestions for legal materials Mr. Colby may want to read in preparation for his confirmation hearings.

a. You mentioned the NSCIDs. I would think Mr. Colby would want to be familiar with two points in particular with respect to them. One is that they all were revised in February 1972, I believe in implementation of the President's letter of 5 November 1971 concerning the Director's responsibility throughout the intelligence community. And pursuant to that letter, NSCID No. 1 directs the Director to prepare and submit through OMB "a consolidated intelligence program/budget". The second is that NSCID No. 1, as revised in February, authorizes the Director to issue DCIDs without requiring the concurrence of USIB members, although consultation with USIB members is required. Prior to the February revision, the Director issued DCIDs only with the concurrence of the USIB members.

b. Mr. Colby may want to read E.O. 11652 and the accompanying NSC Directive of May 1972. The differences between E.O. 11652 and its predecessor Order essentially are: (1) all information under the new Order declassifies automatically unless,

at the time the document originates and again 30 years later, an affirmative decision is made to deny declassification; (2) any member of the public may request declassification review of any document over 10 years old and such review must be made; (3) rather extensive Agency machinery and controls for the active implementation of the Executive Order are required; and (5) there is White House control by means of the interagency committee the Order established, which is dominated by the chairman, who is a Presidential appointee.

c. Mr. Colby may want to read [redacted] which is the regulation under which the current rifling program is conducted. The particular feature of the regulation I suppose is that it is intended to and does provide some protection for employees, but the protections are minimal.

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d. You mentioned, I believe, the Guide to CIA Statutes and Law, in which there is a great deal of information.

2. I assume you have copies of all of these. We will be glad to supply any you lack.

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[redacted]

Associate General Counsel

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OGC: [redacted]

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